



MTPC GUIDE TO IDENTITY DOCUMENTS

About this Guide

If you have any additional questions about the name or gender marker change process, please feel free to contact MTPC at 617-778-0519. No reference is made in this document for ‘legal’ **gender** change. Information about gender marker change can be found [here](#).

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NAME CHANGE

I. Court Process

In order to file for a legal name change, you need to go to probate/family court in your county. Probate Court locations can be found [here](#).

a. Name Change Petition Form

You can get the form at the probate court, or you can download a copy of the form [here](#) or MTPC can email you a copy of the form. **Note:** It is recommended that you fill out the form in the courthouse and not before the visit.

Documents needed for a Name Change in the Courts:

- A certified copy of your **birth certificate**
- If applicable: any **previous name change***
- Name Petition Form** ([download here](#))
- If applicable: **letter from spouse** stating they are aware of the name change.*
- If applicable: **affidavit of indigency*** ([download here](#))

Parts of the Name Change form:

You are the petitioner: *fill in your **current legal name and address***

Reason for change: Some people choose to write: “common usage,” “personal” or “it’s the name that I use.”

To change your name you do **NOT** need:

- to be on hormones;
- to have surgery;
- to have a note from a therapist.

As long as you are not changing your name in order to commit fraud, you have the right to change your name either through a court process or through “common usage.”

If you are changing your *first and last name* you *might* be required to put a notice in the newspaper. This is a separate charge and you can usually choose which paper to use for this.

Each probate court has a different process for handling name changes — in some courts you may go before a judge or before a judge’s clerk; in other courts, the judge looks at the petitioner’s paperwork outside **the petitioners/your** presence. You may be able to finish everything that day or the Clerk’s office may ask you to return in two weeks or so. *If you face difficulty changing your name as a result of a criminal record, you may wish to contact a lawyer.*

b. Fees

The fee for a name change is **\$185** as of 2015 and may continue to rise over time. However, the fee should not prohibit anyone from changing their name.

i. If you can’t afford the fee:

If you receive public benefits, have an income below your local poverty line, or otherwise cannot afford **\$180**, fill out the “affidavit of indigency.” The Clerk of the Court can help you fill it out if you have any trouble. Do not pay any fee you cannot afford.

You can get the “affidavit of indigency” form at the probate court, or you can download it [here](#) or MTPC can email you a copy of the form.

MTPC is putting together an emergency fund to cover the costs of these fees. If you would like to either donate to this fund or access this fund, please email Alexis at alexis@masstpc.org

c. Extra copies:

You will likely want to obtain several certified copies of your legal name change in order to change the documents listed below, and to change bank accounts, health insurance, student records, and any other changes you need to make.

Extra copies of the **certified name change** petition cost \$20. If you file an affidavit of indigency, your fee waiver should also cover the fees for the extra copies.

d. Youth

MTPC gets many questions from people under 18 who want to obtain a name change. Here is what you need to know if you are a young person who seeks a legal name change:

Documents Needed for Youth Name Change Court Decree:

- If your parents agree with you that your name should be changed, **a custodial parent or guardian can fill out a change of name for you on your behalf**. Note: Your parent(s) will find out if you attempt to obtain a legal name change.
- If you have another parent who does not live with your custodial parent or guardian, that person will need to be notified. Your custodial parent or guardian can ask the court's name change clerk for more information about this process.
- If you have safety-related concerns about publishing your new name or providing it to a parent, you should seek legal advice (see below).
- If your parents do not agree what your name should be, the court will decide based on its determination of your best interest. If you want to change your name and believe that one of your parents will object, we recommend that you seek legal advice. [Massachusetts Transgender Legal Advocates](#) and [GLAD](#) both provide advice on name change issues.
- Whether or not you go through the court process, it is legal to change your name by just changing the name that you use. Unfortunately, this method of name change will not allow you to change your legal documents like state ID, driver's license, passport, etc.

II. Identity Documents and Other Documentation

a. Name Change with Social Security Office

All documents you bring to Social Security need to be originals or certified copies by the issuing agency. You can find the nearest SSA office at the [Social Security website](#).

Note: Your name in employment personnel records should match the name on your Social Security card until you receive the revised card.

Documents needed for a Name Change with the Social Security Office:

- Fill out a **Form SS-5** ([download here](#)), “Application for a Social Security Card.” (This form is also available at SSA office)
- Proof of legal name change:** A legal name change document, such as a court ordered name change or marriage certificate (if you changed your name through marriage). The document must have the old name and new name listed on it. If it does not have enough identifying information, SSA will request an identity document in your prior name and another in your new legal name in addition to the name change document. (Massachusetts issued court-ordered name changes list old and new name)
- If you were born outside of the U.S., you also need to **proof of your U.S. citizenship or current lawful, work-authorized immigration status.***
- If you are a U.S. citizen and have not previously established citizenship with SSA, you will need to present a **birth certificate, U.S. passport, or other proof of citizenship.**

b. Name Change on a Massachusetts State-Issued ID (driver’s license or Massachusetts ID card)

All documents you bring to RMV need to be originals or certified copies by the issuing agency.

Although changing your name on driver’s license is standard procedure for RMV employees, there have been some incidents where a clerk has tried to deny a name change (often through ignorance rather than malice). **As long as you have all the necessary legal paperwork the employee is forbidden from denying your name change.** The RMV does not have the authority to ignore a Court Order.

If the clerk denies your name change, ask to speak with a supervisor. Record the name of the clerk, date, time, and reason you were given for the denial. Record the name, date, time, and outcome of speaking with the supervisor. If the supervisor refuses to change your name, ask to speak with the RMV branch manager, and again record name, date, time and outcome. Contact MTPC for further information or assistance at 617-778-0519.

Documents needed for Name Change on MA State ID

- Proof of legal name change** – a court order showing name change
- Your **Social Security Card** with your new legal name
- Cash or debit or credit card for the RMV fee. (check RMV site [here](#) for current fees).
- Proof of address (i.e. utility bill, bank statement, health insurance correspondence) **Note:** It is acceptable if this documentation has your previous legal name on it as long as your other documents such as your name change petition showing your previous and current legal name are in order)

c. Name Change on a Passport

All documents need to be originals or certified copies by the issuing agency. See [here](#) for more information.

Documents needed for changing your Passport (if you have a *valid passport*, or a *passport that is less than one year old*):

- A completed **Form DS-5504**: Application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement Form ([download here](#))
- A **certified copy of a marriage certificate or name change court decree** to prove that your name has been legally changed
- Your **current passport**
- Two new photos**
- Using the DS-5044 form, **there is no fee**, unless you need your passport immediately.

Using US Postal Service, **mail this information to:**

National Passport Processing
P.O. Box 13290
Philadelphia, PA 19101-3290

Documents needed for changing your Passport (if your passport is *older than one year*):

- A completed Form DS-82: Application for a U.S. Passport by Mail ([download here](#))
- A **certified copy of a marriage certificate or name change court decree** to prove that your name has been legally changed
- Your **most current passport**
- Two new photos**
- You will need to **pay the fees associated with getting a new passport**

Note: Applications can be filled out in hard copies or online. It is recommended that you change your **bank information first** in order for your check, money order, debit card or credit card to be consistent with the name that will be appearing on your new or updated passport.

d. Other Documents to Consider Changing

Other documents to consider changing are leases, mortgages, wills, estate (your own and for which you are a beneficiary). These documents will need a certified copy of your name change form.

e. Health Insurance (Mass Health)

This is likely standard health insurance practice, but this has only been confirmed with Mass Health. We recommend contacting your health insurance provider to confirm that their practice is consistent.

When changing a name on a Mass Health renewal, a change of name is automatically listed on renewal forms. The general photocopy of a legible court order showing the signature and the date is sufficient. A copy with the gold seal is not necessary.

f. W-2 and Tax Returns

Your employer's Human Resources should be able to easily provide a name change form and simply look at your new social security card.

Gender Marker Change

Your gender marker is the part of your ID card that specifies your ‘sex’ (male or female). Many transgender people choose to change their gender marker on some or all of their ID’s to better reflect their gender identity. There are many different forms of state and federal ID’s (like passports, driver’s licenses, and birth certificates).

The process for changing your gender marker depends on which ID you are trying to change. Please note that changing your gender marker for one ID will not change the gender marker on a different form of ID. For example, changing the gender marker on your driver’s license does not automatically change the gender marker on your birth certificate. Therefore, you will have to go through a separate process for each ID you want and/or need to change.

If a care professional (doctor, therapist, etc.) needs to sign a form have them sign in blue ink.

Here’s all the information you need to know to change your gender marker on various government documents (MA state and federal).

I. Massachusetts State ID Card or Driver’s License

Note: You are no longer required to submit medical proof of sex reassignment surgery or an amended birth certificate.

Documents needed for to change a Gender Marker on a Massachusetts ID:

- A new license or ID application
 - A Gender Designation Change Form ([download here](#)), signed by:
 - 1. You and**
 - 2. A medical provider attending to the gender that you identify as (a medical provider should be a licensed physician, a licensed therapist or counselor, or psychiatric social worker)**
- If your current state issued ID/license has a name you do not use anymore, or has not been updated since you have legally changed your name, you must also bring:
- Your court ordered name change document
 - Fees:
 - If you are amending an ID/license: \$25
 - If you do not have an ID/license: \$50

II. Social Security

Your social security card doesn't say whether you are male or female. However, the Social Security Administration (SSA) does keep a record of your sex. Some people choose to change the sex on record.

Documents needed for Gender Marker Change with Social Security

- Proof of Gender Transition. You will need one of the following:
 - A US Passport with your new gender marker
 - A birth certificate that has been change to show your new gender marker
 - A signed letter from a doctor saying that you have had “appropriate clinical treatment for gender transition (see “i. Doctor’s Letter” below)
- Completed form SS-5 “Application for Social Security Card” ([download here](#))
- Proof of identity: driver’s license, passport, state-issued ID.
 - These identity documents must show your current legal name.
- Proof of Citizenship:
 - If you are a U.S. citizen and have not previously established citizenship with SSA, you will need to present a birth certificate, U.S. passport, or other proof of citizenship. Note: your birth certificate or other document establishing citizenship does not need to show your current name or gender. However, you will need to show proof that you are the same person, such as with a court order for legal name change.
 - If you are a non-citizen, you will need to show documents proving your immigration status and work eligibility, such as: Form I-551; I-94 with unexpired foreign passport; and/or work permit card (I-766 or I-688B). Because there are many types and combinations of qualifying documents for non-citizens, you should call SSA (1-800-772-1213) to confirm that your documents qualify.

To read more about changing your social security information, visit “[Transgender People and the Social Security Administration](#).”

a. Doctor’s Letter

For many people, getting a doctor’s letter is the easiest option. The doctor you use MUST be a licensed physician like a psychiatrist, general practitioner, endocrinologist, etc. You can’t use a letter from someone who isn’t a doctor, like a counselor who doesn’t have a medical degree. The doctor who writes your letter does not need to be treating you for gender transition.

“Appropriate clinical treatment for gender transition” does *not* mean that you need to have surgery or hormones. You may have already had these changes, you may be planning for them in the future, or you may have decided that these changes aren’t for you. In any case, “appropriate clinical treatment” just means that you have done what you and your doctor feel is right for *you* at this point in time. To see an example of an acceptable doctor’s letter, visit page 2 of “[Transgender People and the Social Security Administration](#).”

III. Passport

According to the NCTE guide, if you are requesting gender change, you must use [form DS-11](#) and [apply in person](#), even if you would otherwise be eligible to renew by mail. **This is a new requirement.** If you are only applying for a change of name, or do not need to change any information, you may be eligible to renew by mail using [form DS-82](#). In order to request a new passport by mail, **all the following must be true about your current passport:**

- Passport is undamaged and can be submitted with your application
- Passport was issued when you were age 16 or older
- Passport was issued within the last 15 years (up to 5 years after expiration)
- Passport was issued in your current name or you can legally document your name change

a. Apply In Person

If the above statements do not apply, or you do not yet have a Passport, you will need to [apply in person](#) and complete an [in Person Application Form](#). Here is the [Passport website explanation](#) for the process.

Documents needed for Gender Marker Change on a Passport

- Proof of citizenship and proof of identity (example: a driver's license or birth certificate)
- A photo that is a good likeness of current appearance (2x2 inches in size with white or off-white background).
 - These photos can be taken for \$15 at acceptance facilities, such as designated Post Offices; photos can also be taken at CVS for about \$12.99.
- A fee of \$75 to have a new passport issued (an additional \$25 is required for processing in-person applications. No credit cards accepted by mail or in person (bring cash, a check, or a money order)
- Annotate the application with the words "gender transition," as required by the [State Department regulations](#). The regulations are unclear at this time about where this annotation is required to be placed or how. Until this requirement is clarified, we recommend that you ensure the words "gender transition" are somewhere visible and easily seen on the application.
- Attending physician's letter stating that you've had "appropriate clinical treatment for gender transition," or are "in the process of gender transition." This policy recognizes that people's medical needs vary and that appropriate clinical treatment may be different for one person than for another. [Here is a sample letter.](#) [According to the law](#), this letter must contain:
 - Identification of the physician as an internist, endocrinologist, gynecologist, urologist, or psychiatrist
 - Physician's full name
 - Medical license or certificate number
 - Issuing state or other jurisdiction of medical license/certificate
 - Drug Enforcement Administration (DEA) registration number (if physician does not have DEA number, for example if he or she practices in a foreign country, then further clarification or verification of the physicians bona fides must also be submitted)
 - Address and telephone number of physician
 - Statement that physician has a doctor/patient relationship with you
 - Language stating that the applicant "has had appropriate clinical treatment for gender transition to male/female (gender you identify as)" or "is in the process of gender transition to male/female." Note: If the letter states you are "in the process," the passport agency will issue a two-year limited validity passport.
 - Statement: "I declare under penalty or perjury under the laws of the United States that the foregoing is true and correct."

MTPC recommends that you give the physician a copy of the sample letter that appears in [Appendix M](#). Ask the physician to model his or her letter closely after the sample and to include the information listed above.

The National Center for Transgender Equality (NCTE) has issued the following statement about these physician letters:

“No specific treatment is required, and details of your treatment need not be provided. In fact, NCTE encourages you and your doctor to only state in the letter that you have had the clinical treatment determined by your health care providers to be appropriate. Details about surgery, hormone treatment, or other treatments are unnecessary and not helpful.”

The [regulations issued by the State Department](#) specifically state that **surgery is not a prerequisite** for your new passport and that passport adjudicators and consular offices may not ask for additional medical information. In conversations with you, workers at the passport office are required to refer to you using the pronouns appropriate to your “new gender” and to ask only appropriate questions.

Though there is **no passport fee waiver** available for the general public (no-fee passports are available to family members of U.S. government officials), you may apply for a Passport Card (\$20.00) instead of a Passport Book (\$75.00). A Passport Card however, is only valid for ground and sea travel in North America only (a passport card cannot be used at any U.S. airport). A **\$25.00** processing fee still applies for all in person passport applications, including the passport card.

IV. Birth Certificate

The process for changing your name and gender on your birth certificate depends on the state or country in which you were born. Below is some information about changing your name and gender on your birth certificate if you were born in Massachusetts. Lambda Legal provides [information about birth certificate changes in other states](#).

In Massachusetts, a person who has completed sex reassignment surgery, and has had a legal name change by a court, may have their birth record amended to reflect the new sex and name. (M.G.L. c. 46 s. 13)

Please note: You can *only* change the name on your birth certificate if you also change the gender and that you can *only* change the gender on your birth certificate if you also change your name at the same time.

In order to change the name on your birth certificate, you need to have already had a legal name change (explained in part one “I. Court Process to Change a Name”).

Process for a Name and Gender Marker Change on a Birth Certificate

- Bring a certified copy of legal name change to the clerk of the town/city in which you were born
- Bring a notarized letter from a doctor, preferably your surgeon, stating you have “completed sex reassignment surgery” and that your sex is no longer the same as the sex on your birth certificate*
- An affidavit (statement) from you stating that you have completed sex reassignment surgery and that your sex is no longer the same as the sex on your birth certificate.

* It is a good idea to ensure that your surgeon is willing to write this letter, prior to surgery (if possible). It is extremely important that the letter confirming surgery include the word “complete,” not just “performed.” In general, the less details about the surgery (what type, when, etc.) included in this letter, the better. If your surgeon is not willing or is unable to write this letter, some clerks may accept a letter from your general physician.

Appendix

I. Resources

[Documents from other organizations that may be helpful in this, such as the NCTE stuff]

II. Forms and Documents Cited

| <u>Document</u> | <u>Needed For</u> | <u>Link</u> |
|------------------------|--|-------------|
| Name Petition Form | Changing your name in the court | |
| Affidavit of Indigency | Waiving the fee for name change in the court | |
| | | |

III. Sample Letters/Documents

SAMPLE PHYSICIANS LETTER

The following is an example of a letter that meets all the Social Security and Passport requirements. You should ask your physician to use this letter and not give additional personal health information that is not included here.

Please have your doctor print this letter on official letterhead and sign in blue ink.

Please also have your doctor print and sign 3 original copies of this letter.

I, (physician's full name), (physician's medical license or certificate number), (issuing U.S. State/Foreign Country of medical license/certificate), am the physician of (name of patient), with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated).

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify male or female).

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Signature

Typed Name

Date